

## Sullivan County NH

**Type of meeting:** Board of Commissioners – Executive Session  
Pending Litigation Issue – RSA 91-A:3.II.e.

**Date/Time:** Tuesday, August 07, 2007; 3:58 PM

**Place:** Newport – Remington Woodhull County Complex, 14  
Main Street

**Attendees:** Commissioners Ethel Jarvis – *Chair* and Bennie Nelson – *Vice Chair*; Ed  
Gil de Rubio – *County Manager*; Sherrie Curtis – *Human Services*  
*Coordinator*; and Sharon Johnson-Callum (minute taker).

### AGENDA ITEM NO. 4.D. UPDATE ON DECLARATORY JUDGMENT

**3:58** A motion was made, by Commissioner Nelson, to go into Executive Session for a legal matter [Per RSA 91-A:3.II.e]. Commissioner Jarvis seconded the motion. There was no discussion. A roll call motion was made. The motion carried, unanimously.

*The group left the Probate Court Room, to convene in the Probate Hearing Room, just beside the Court Room.*

He noted the Commission to study the implementation of the procedure for county payments for nursing home and community based care works hand and hand with the Declaratory Judgment issue, so it will be benefit that he was appointed to the Commission. The group discussed the declaratory judgment, Human Services costs, SB409 sunset affects on the issue. Ms. Curtis confirmed once it sunsets they would not be responsible for anything but Old Age and APTD (Aid to Permanently and Totally Disabled) with out surcharge.

Mr. Gil de Rubio there are several options to be consider in the judgment:

- 1) accrued money
- 2) county escrow account or state/county escrow or work out an agreement with the State for the State to send a bill

He noted the NHAC attorney is negotiating with the State on the Human Services amounts from July 1<sup>st</sup> on. The July bill is due in September. Commissioner Nelson concurred all counties should be united in their decision. Mr. Gil de Rubio noted the NHAC attorney recommended to include a disclaimer with the May and June bills, as it admits guilt if we just pay the invoice, whereas it should not if the disclaimer is enclosed. He noted HB2 is in effective 7/1/2008. Mr. Gil de Rubio noted the Commission study committee meets 8/15/07 in LOB Rooms 210/211.

4:15      A motion was made, by Commissioner Nelson, to come out of Executive Session. Commissioner Jarvis seconded the motion. There was no discussion. A voice vote was taken. The motion carried, unanimously.

*Respectfully submitted,*

A handwritten signature in black ink, appearing to read "Jeffrey R. Barrette", with a large, stylized flourish at the end.

Jeffrey Barrette, Clerk  
Board of Commissioners  
JB/s.j-c.